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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/713,095	11/14/2000	Paul F. Hanchett	NA00-08801	9680

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SILICON VALLEY INTELLECTUAL PROPERTY GROUP  
P.O. BOX 721120  
SAN JOSE, CA 95172-1120

EXAMINER

DADA, BEEMNET W

ART UNIT PAPER NUMBER

2135

DATE MAILED: 07/30/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

09/713,095

**Applicant(s)**

HANCHETT, PAUL F.

**Examiner**

Beemnet W Dada

**Art Unit**

2135

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 14 November 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-24 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

**DETAILED ACTION**

1. Claims 1-24 have been examined.

***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claim 1-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Howland et al (hereinafter refereed to as Howland) (US Patent No. 6,018,741) in view of Waldin et al. (hereinafter refereed to as Waldin) (US Patent No. 6,651,249 B2).

4. As per claims 1, 9 and 17, Howland teaches a method for establishing a list of attributes for a computing node within a hierarchy of computing nodes, the list of attributes being associated with action to be performed by a program [column 3, lines 43-53 and figure 1A], the method comprising:

establishing a hierarchy of lists of attributes, an attribute being comprised of an attribute identifier and an attribute value [column 3, lines 54-62], the attribute value being comprised of either a list of attributes or a controlling value used by the security scanner program to control an operation of the program [column 3, lines 54-64 and column 6, lines 53-62], and , the list of

attributes being comprised of a grouping attribute and a series of one or more attributes [column 2, lines 33-44, column 3, lines 54-64 and column 6, lines 63-67];

examining the grouping attribute associated with the list of attributes [column 3, lines 13-23];

updating an element of the list of attributes if the grouping attribute indicates that the element may be updated without also updating other elements the list of attributes (i.e., updating inherited variables in the parent and child nodes, but not locally defined variables) [column 4, lines 29-37 and figures 1A and 1B];

updating the element and all other elements of the list of attributes if the grouping attribute indicates that updating the element requires all other elements to be updated (i.e., updating inherited variables in the parent and child nodes) [column 4, lines 15-37 and figures 1A and 1B]; and

updating the element, all other elements, and all subordinate elements of the list of attributes if the grouping attribute indicates that updating the element requires all subordinate elements of the list of attributes to be updated (i.e., updating inherited variables in the parent and child nodes in all level of the tree) [column 4, lines 15-37 and figures 1A and 1B].

Furthermore, Howland teaches the method applied on data processing application programs (computer programs), consisting of attributes [column 1, lines 20-37]. Howland fails to explicitly teach a security scanner program (i.e., a virus protection software). However, it is well known in the art that security scanner program (i.e., virus protection software) is a type of software application. For example Waldin teaches virus protection software as a type of application software and a method of updating software programs [column 1, lines 20-35, column 3, lines 7-27]. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the security scanner program taught by Waldin

into the application program of Howland in order to achieve the advantage of flexible updating of attributes since virus protection programs require frequent updating of programs.

5. As per claims 2, 10 and 18, the combination of Howland and Waldin teaches the method as applied above. Furthermore, Howland teaches the method wherein the element of the list of attributes contains an identifier that uniquely identifies the element and a value, wherein the value may itself be a list of elements [column 3, lines 55-61].

6. As per claims 3, 11 and 19, the combination of Howland and Waldin teaches the method as applied above. Furthermore, Howland teaches the method wherein the grouping attribute indicates one of the element may be updated without also updating other elements in the list of attributes (i.e., local variable update) [column 4, lines 29-37 and figures 1A and 1B]; updating the element requires all other elements in the list of attributes to be updated (i.e., inherited variable update) [column 4, lines 15-37 and figures 1A and 1B]; and updating the element requires all other elements in the list of attributes and all subordinate elements in the list of attributes to be updated (i.e., inherited variable update at all nodes (levels)) [column 4, lines 15-37 and figures 1A and 1B].

7. As per claims 4, 12 and 20, the combination of Howland and Waldin teaches the method as applied above. Furthermore, Howland teaches the method wherein updating the element involves overwriting the value with another value that may be identical to an original value [column 4, lines 37-50 and column 5, lines 1-16].

8. As per claim 5, 13 and 21, the combination of Howland and Waldin teaches the method as applied above. Furthermore, Howland teaches the method wherein updating the element and all other elements of the list of attributes involves overwriting each value with another value that may be identical to an original value [column 4, lines 37-50 and column 5, lines 1-16].

9. As per claims 6, 14 and 22, the combination of Howland and Waldin teaches the method as applied above. Furthermore, Howland teaches the method wherein updating the element, all other elements in the list of attributes, and all subordinate elements of the list of attributes involves overwriting each value with another value that may be identical to an original value for each element and each subordinate element of the list of attributes [column 4, lines 37-50 and column 5, lines 1-16].

10. As per claims 7, 15 and 23, the combination of Howland and Waldin teaches the method as applied above. Furthermore, Howland teaches the method wherein if the attribute being updated is itself another list of attributes, the grouping attribute can indicate one of the attribute can be updated, a content of the list of attributes can be replaced, and the other list of attributes can be merged with the list of attributes [column 4, lines 37-67 and column 5, lines 1-16].

11. As per claims 8, 16, and 24, the combination of Howland and Waldin teaches the method as applied above. Furthermore, Waldin teaches the method wherein a security scanner program performs scanning process on files associated with computing node for malicious computer instructions, wherein details of the scanning process are specified by a list of security scanner attributes [column 1, lines 20-35 and column 3, lines 8-24].

**Conclusion**

12. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. See PTO Form 892.

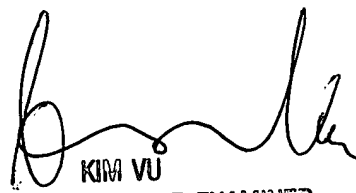
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Beemnet W Dada whose telephone number is (703) 305-8895. The examiner can normally be reached on Monday - Friday (8:30 am - 6:00 pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kim Y Vu can be reached on (703) 305-4393. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Beemnet Dada

July 21, 2004

  
KIM VU  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2100